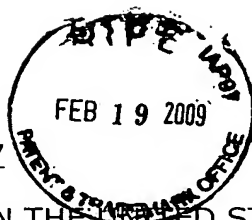


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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: ) PATENT  
Bruce MCGARIAN et al. )  
Serial No.: 10/530,486 ) GROUP: 3672  
Filed: June 2, 2005 ) EXAMINER: ANDREWS, D. L.  
APPARATUS AND METHOD FOR OPENING ) CUSTOMER NO.: 25269  
AND CLOSING LATERAL BOREHOLES ) CONFIRMATION NO.: 5343

\* \* \* \* \*

COMMENTS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

February 19, 2009

Sir:

In his Advisory Action of February 3, 2009 the examiner asserts that Ohmer discloses the structure defined in claim 47 insofar as the bore portion 33 therein (Fig. 3) connects with remaining bore sections uphole and downhole which are smaller than the bore portion 33. However, it is entirely unclear how any structure shown in Ohmer would suggest the language of claim 47 that "a portion of said bore which extends uphole from a base of said ramp has a larger diameter than a remainder of said bore... located uphole and downhole of said bore."

Respectfully submitted,

DYKEMA GOSSETT PLLC

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